IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 27589 of 2007(H)

PETITIONER:

K.V. JOHN, S/O. VARGHESE,
PADINJARE KALLUVELIL (MUZHUTHURUTHEL) HOUSE,
MEVALLORE POST, VELLOORE KARA AND VILLAGE,
VAIKKOM TALUK, KOTTAYAM DISTRICT.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.P.P.BIJU

RESPONDENTS:

---

1. THE KOTTAYAM DISTRICT CO-OPERATIVE
BANK LTD., HEAD OFFICE AT KOTTAYAM AND BRANCH AT
PERUVA, KOTTAYAM DISTRICT, REPRESENTED BY ITS
BRANCH MANAGER.

2. THE AUTHORIZED OFFICER,
THE KOTTAYAM DISTRICT CO-OPERATIVE BANK LTD.,
HEAD OFFICE, KOTTAYAM.

BY ADV. SRI.SUNIL CYRIAC,SC,DIST.CO-OP,BANK,KTM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

- -

WP.(C) No.27589 of 2007

- -

Dated this the 18th day of September, 2007

JUDGMENT

Petitioner has approached this court seeking direction to the first respondent not to proceed against the estate of the petitioner for realisation of the amount shown in Ext.P3 and to allow the petitioner to pay off the amount in instalments and to restrain the respondents from realising an amount of Rs.21,000/- towards miscellaneous expenses.

2. I heard learned counsel for the petitioner and the learned counsel for the Bank Sri. Sunil Cyriac. Sri. T.A.Unnikrishnan, learned counsel for the petitioner submits that the petitioner may be permitted to pay off the amount in instalments.

The writ petition is disposed of permitting the petitioner to pay off the amount in four instalments. The first instalment shall be payable on or before 10.10.2007. First instalment shall consists of one fourth of the amount shown in Ext.P3. The subsequent instalments shall be paid on or before the 10th of the succeeding months. Petitioner shall also pay along with the last instalment the interest falling after

13.8.2007. If the petitioner does not pay any of the instalment, he will lose the benefit of this judgment and it will be open to the respondent Bank to proceed against the petitioner in accordance with law.

(K.M. JOSEPH, JUDGE)

sb